

**LOUISVILLE METRO CRIMINAL JUSTICE COMMISSION
JAIL POLICY COMMITTEE**

**Meeting Summary
Tuesday, December 7, 2021**

Members Present: Leo Smith and Thomas B. Wine, Co-Chairs; Chief Judge Angela Bisig; Chief Dwayne Clark; Amy Hess; Daniel Johnson, David Musacchio; Kevin Smalley (designee for David Nicholson); Ann Schiavone Dyke (designee for Mike O'Connell); John Rees; and Col. Josh Judah (designee for Chief Erika Shields).

Staff Present: Faith Augustine and Jamie Allen.

Guests Present: Eric Troutman; Steve Durham; Mark Vanderhoff; Christie Battista; Mane Martirosyan; Matt Golden; David Cutt; Angela Bilewicz; Roberto Roldan; Judith Jennings; Richelle Harris; Kate Miller; and Chris West.

I. Welcome/Call to Order

Tom Wine called the meeting to order and welcomed members in attendance. Since meetings have resumed in-person, masks are required but can be removed when speaking.

II. Approval of the October 26, 2021 Meeting Summary

It was noted that a revision was needed to the summary of the October 26, 2021 meeting; specifically, clarification on page three related to the District Court and Circuit Court pretrial population and the top charge groups. The CJC staff will revise the summary for the record.

III. Review of Jail Population Status – Dwayne Clark, Director

- a. COVID-19 – Steve Durham
- b. LMDC Population – Eric Troutman
- c. State Inmate Population – Eric Troutman
- d. CCC Update – Eric Troutman
- e. Additional Bed Space Options – Eric Troutman

Tom called on Steve Durham to provide an update on COVID-19 in Metro Corrections. Steve reported that Metro Corrections has administered 10,857 tests and of those, 716 were confirmed positive. Of the 716 positive tests, 715 have recovered or been released, and one is currently in medical isolation. He advised that 2,152 individuals in jail have been vaccinated and 749 remain in custody. He reported that 1,921 staff members have been tested and 266 were confirmed positive (176 sworn, 60 non-sworn, 26 medical staff and 4 contract staff). In response to a question from Tom, Steve stated that there has been zero inmate COVID-19 deaths and one staff. He added that due to the ebb and flow of the jail population, it is difficult to capture the inmate vaccination rate,

but that 48% of the jail staff have been vaccinated.

Tom asked Eric Troutman to provide an update on the jail population. Eric reported that the data he is presenting is data through the end of October and November was unable to be analyzed and added to the presentation in time for the meeting. He stated that the projected number of admissions for 2021 is 16,731; the current in-bed average daily population is 1,455; and the average length of stay is 32 days which is up from previous years. He stated that the number of state inmates is 283 which has remained consistent all year. There are currently 173 controlled intakes awaiting a state bed, and 108 for Probation and Parole. As of the end of October, 137 individuals have been waiting for a state bed for over 45 days. He added that 126 individuals were transferred to Kentucky Department of Corrections in October and that number usually drops in November and December each year. In response to a question related to the length of stay, Eric stated that individuals who are being arrested have more serious charges and are staying longer. As for the out of county population that is ready and awaiting transport, Tom stated that it seems that the number of individuals being held for Hardin and Bullitt Counties have decreased. Steve reported that out of the 13 individuals ready for transport, only one is awaiting transport to Hardin County and one to Bullitt County. He credited the work of Mr. Clark, the Office of the Commonwealth's Attorney, the Jefferson County Attorneys Office, and Judge Bisig for their help in getting individuals moved out of the jail. He also thanked Leo Smith for the legal actions of the Office of the Public Defender to expedite movement.

Tom asked Eric to provide an update on the reopening of the Community Corrections Center (CCC). Eric advised that due to staffing shortages, there are no plans to open CCC in the near future. Judge Bisig asked if Metro Corrections had put any thought into authorizing work release or job search through the Main Jail Complex and Mr. Clark stated that they have not but may be something to look into in the future if staffing levels do not increase.

Mr. Clark reported that there have been three in-custody inmate deaths over the last week at Metro Corrections and while each is being investigated by both the Louisville Metro Police Department's Public Integrity Unit and the Louisville Metro Corrections Department Internal Affairs, he wanted to provide an overview of each death. He reported that the first death was a male found unresponsive in the medical unit. LMDC staff were alerted, began life saving measures until he was transported to the hospital where he was pronounced deceased. The second death was a female who was housed in the fresh arrest dorm. Other inmates alerted LMDC staff and performed life saving measures until EMS arrived. She was transported to the hospital where she was pronounced deceased. He advised that the third death was a female who had been in an altercation with another inmate in a dorm and was moved to another location in the jail. Upon arrival into the new dorm she was involved in another physical altercation, was removed from the unit and placed into a holding area to await another housing location. An officer entering the floor saw her hanging in the holding area and alerted medical staff. Life saving measures were performed and she was transported to the hospital where she was pronounced deceased. In addition to the investigations, Mr. Clark stated that they are awaiting toxicology and

autopsy reports on the deceased individuals. He added that each of the deaths will be investigated thoroughly to see if any violations occurred or any adjustments in the jail need to be made. In response to a question related to how many in-custody deaths have occurred this year, Steve Durham stated that there were two deaths in 2020 and a total of four this year. He stated that in looking back at previous years there were seven deaths in 2012 (three of which were in a thirty-day period), five deaths in 2014, and four in 2018.

Daniel Johnson asked what measures are being put into place to address what happened in the jail. He stated that only two officers were working the floor when the third death occurred and one of the officers had been forced over to work an additional eight hours. Mr. Clark stated that the administration is addressing the staffing issues through incentives, wellness programs, and bolstering recruitment through social media platforms. Daniel noted that there were 14 vacant positions in floor security on that day and that if a critical incident occurs with LMPD, officers involved are removed from their shift and provided peer support. He stated that LMDC officers finish the shift with no peer support. He expressed concerns that the staff is being pushed beyond what they can do and a pay raise is needed to recruit officers.

Tom asked Eric to provide an update on the additional bed space options that were discussed at the last meeting; specifically, individuals who are returned from the Home Incarceration Program (HIP) with no place to live. Eric advised that he has been looking into different options and currently there are no secure bed options. He is working with the Metro Office of Management and Budget on the right language to put into a Request for Information. Eric reported that there were 1,063 returns from HIP this year for no place to live. This is approximately 97 individuals per month. In response to a question if the CCC was considered a secure facility, Eric reported that CCC was secure since it was used for both work release inmates and minimum-security housing (jail overflow).

IV. Day Reporting Center Update – Chris West

Tom asked Chris West to provide an update on the Day Reporting Center. Chris thanked members for the opportunity to present the most recent data and success of the DRC during the pandemic. He reminded members that the DRC is a non-jail option that services individuals in a non-residential setting tailored to meet individual participants risk and needs. He reported that between 95-97% of participants on DRC are also on the Home Incarceration Program, but the program components on DRC include Cognitive Behavioral Treatment (CBT), life skills training, job readiness and employment assistance, community connections, education services, Moral Reconciliation Therapy (MRT) and aftercare.

Chris emphasized that the DRC has built up an array of services and had partners in substance abuse and mental health that may be able to house individuals through the DRC program that do not have a place to stay. He reported that through the pandemic the DRC had 19 program completions in 2020. As for the outcomes, DRC participants exit the program with a lower risk level score from an average of 31 to 24. He called attention to the program outcomes overview in the packet and reported that in 2020 there

was an 89% attendance for engagement and accountability check-ins and a 93% participation rate for groups. He added that the data shows a total of 14,962 bed days saved for DRC participants for a total savings of \$1,338,201. Judge Bisig commended Chris for his hard work with the DRC Program. She stated that she is a huge proponent of the program and frequently refers individuals who are on the cusp of going to prison. In response to a question about the capacity of the program, Chris stated that there is currently 35 participants on the program and they would like to provide services to 75 or 80 clients at any given time. Tom asked if there is a DRC program for juvenile offenders and Chris stated that Geo Reentry Services operates two juvenile programs in St. Louis.

V. Follow-up Items/Updates

- a. Data Dashboard
- b. Out of County Inmates/Proposal to Amend RCr 3.02
- c. The Bail Project

Tom called on Jamie Allen to provide an update on the data dashboard. Jamie recalled that at the October meeting she presented a snapshot of data to the committee that was well received. The data presentation included a deep dive into the population on October 20, 2021 broken down by pretrial and sentenced defendants, highest charges by felony and misdemeanor, and by bond amount. She stated that while similar data has been presented to the committee in the past and is staff intensive, staff at the CJC began working with Metro IT in April with an overall goal to be able to produce live data snapshots on a dashboard in real time.

Jamie advised that due to the complexity of the jail data, the project was broken out into three phases. The first phase included identifying the data variables to include in the dashboard, mapping and connecting the data, and then validating to ensure the data was accurate. Phase two, which just finalized included ensuring the security of the data since it falls into Criminal Justice Information System data, and then obtaining the storage and capacity to store the data for the dashboard. She reported that the data will be captured and stored three times per day at 7am, 3pm and 11pm which will allow for a data snapshot and will provide historical data visualizations to be created. Phase three which is the last phase of work to complete is to take the data that has been identified and securely stored and to connect the database to the Power BI platform to create visualizations for the committee to use to guide policy making decisions. She added that the final piece of phase three will include setting permissions for users and training to understand and operate the different functions of the dashboard. She stated that she hopes to work closely with Metro IT in early January to be able to have some of the visualizations created to show the committee at the next meeting.

Leo had no additional updates on the proposal to amend RCr 3.02. He reminded members that he and Tom Wine sent a letter to Justice Keller, Kentucky Supreme Court, and are awaiting a response.

Leo provided an update on The Bail Project. He thanked the Office of the Circuit Court Clerk for always providing timely updates and data to report. He advised that The Bail

Project has posted over 3,500 total bonds, and of those 2,300 cases have been resolved and 7 million dollars returned to The Bail Project fund. He reported that 1,054 bond cases are still active which is approximately 4 million dollars that the Clerks Office is holding. He reported that the return to court rate is hovering between 88-92%. In response to a question regarding the amount that has been forfeited, Leo advised he would have to get that information for the next meeting but he believes that it is a small amount and that more forfeitures are coming out of District Court than Circuit Court. In response to a question about the rate of return to court for an ROR versus the use of The Bail Project posting a bond, Leo stated that he does not have the answer to that but that cash bail does not guarantee a defendant returning to court. He added that The Bail Project offers additional services including referrals to treatment if requested by the defendant and court reminders. Tom reminded members that there are two bail funds; The Bail Project and the Community Bail Fund. He emphasized that the Judge in each case weighs the factors to determine an appropriate bond and that defendants have a constitutional right to bail. He added that anyone can post bail for a defendant including family, friends or a third party. Leo added that The Bail Project has a specific criterion for those individuals that bail can be posted, they interview defendants and make an effort to reach everyone in the community.

Matt Golden announced that the Mayor is allocating several million dollars in funding to support staffing concerns at Metro Corrections. He thanked the efforts of the Jail Policy Committee in reducing the population from 1,660 several months ago to 1,482 today. He applauded the efforts of the Jefferson County Attorney's Office and the Office of the Commonwealth's Attorney to look at those individuals held in jail to see if there was an alternative to in-custody incarceration or a release option that better fit.

VI. Next Steps

Tom stated that the schedule of meetings for 2022 is included in the packet and that the next meeting of the Jail Policy Committee is scheduled for January 25, 2022 in the Crown Room. He reminded members that the Criminal Justice Commission is hosting their annual holiday reception on Thursday, December 9th at the CJC Office and all members are invited to attend.

VII. Adjourn/Next Meeting

With no further business to discuss, the meeting was adjourned. Members will receive an electronic notice prior to the next meeting.